

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SCOTT GORDON PAYNE,

Plaintiff,

v.

SYDNIE ALVIAR, et al.,

Defendants.

Case No. 1:23-cv-524

Hon. Hala Y. Jarbou

ORDER

In accordance with the opinion entered this date:

IT IS ORDERED that the report and recommendation (“R&R”) of the magistrate judge (ECF No. 62) is **APPROVED** and **ADOPTED** as the opinion of the Court, subject to the additional analysis in the associated opinion.

IT IS FURTHER ORDERED that Defendant Jones’s motion for summary judgement (ECF No. 39) is **DENIED IN PART** and **GRANTED IN PART**. Jones’s motion for summary judgment is **DENIED** with respect to lack of exhaustion and **GRANTED** with respect to the Eighth Amendment claim.

IT IS FURTHER ORDERED that Defendant Jones is **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that Plaintiff Payne’s objection (ECF No. 63) to the Order Staying Discovery and Vacating Dispositive Motion Deadlines (ECF No. 60) is **OVERRULED**.

Dated: August 23, 2024

/s/ Hala Y. Jarbou

HALA Y. JARBOU

CHIEF UNITED STATES DISTRICT JUDGE